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Human rights situations that require the Council's attention

Andorra,* Australia,* Belgium, Bulgaria,* Czechia,* Finland,* France,* Georgia, Germany, Iceland,* Ireland,* Italy,* Jordan,* Kuwait,* Latvia, Liechtenstein,* Luxembourg,* Maldives,* Malta,* Monaco,* Montenegro,* Morocco,* Netherlands, Norway,* Portugal, Qatar, Republic of Korea, Romania,* Saudi Arabia, Slovenia, Spain,* the former Yugoslav Republic of Macedonia,* Turkey,* Ukraine,* United Kingdom of Great Britain and Northern Ireland, United States of America: draft resolution

36/... The human rights situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous Human Rights Council resolutions on the Syrian Arab Republic,

Reaffirming also its strong commitment to the full respect of the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Demanding that the Syrian authorities meet their responsibility to protect the Syrian population,

Recalling the obligation by parties to the conflict to take all feasible precautions to avoid, and in any event minimize, harm to civilians and civilian objects, including schools and medical facilities as such, and the prohibition on attacking, destroying or rendering useless objects indispensable to the survival of the civilian population, including drinking water installations,

Condemning the grave deterioration of the human rights situation and the indiscriminate or deliberate targeting of civilians as such, in violation of international humanitarian law, and acts of violence that foment sectarian tensions,

Expressing deep concern about the situation of women, children and internally displaced persons, who remain among the most vulnerable to violence,

* State not a member of the Human Rights Council.

Reiterating that the only sustainable solution to the current conflict in the Syrian Arab Republic is through an inclusive, Syrian-led and Syrian-owned political process under the auspices of the United Nations, based on the Geneva communiqué of 30 June 2012 as endorsed by the Security Council in its resolutions 2118 (2013) of 27 September 2013, 2254 (2015) of 18 December 2015 and 2268 (2016) of 26 February 2016 and relevant statements of the International Syria Support Group,

Expressing full support for the efforts of the Special Envoy of the Secretary-General for Syria to facilitate an inclusive and Syrian-led process in accordance with the Geneva communiqué and Security Council resolution 2254 (2015), with a view to establishing credible, inclusive and non-sectarian governance, in accordance with the aforementioned documents, and urging the Special Envoy to continue to push the parties to negotiate a political transition,

Welcoming Security Council resolution 2336 (2016) of 31 December 2016, and supporting the efforts of Turkey and the Russian Federation to reduce levels of violence in the Syrian Arab Republic by helping to establish the ceasefire announced on 29 December 2016,

Supporting all efforts to reduce the violence in the Syrian Arab Republic, taking note in particular of the Astana talks, and hoping that the ongoing initiative to establish de-escalation areas in the Syrian Arab Republic will continue to contribute to a sustained reduction in violence,

Demanding that all parties to the ceasefire in the Syrian Arab Republic fulfil their commitments, and urging all Member States, especially the members of the International Syria Support Group, to use their influence with the parties to ensure fulfilment of the ceasefire and to support efforts to render the ceasefire durable and to end violations, which is essential to achieving a political solution to the conflict in the Syrian Arab Republic and to bringing to an end the systematic, widespread and gross violations and abuses of human rights and violations of international humanitarian law,

Recalling that, pursuant to Security Council resolution 2165 (2014) of 14 July 2014, all Syrian parties to the conflict shall enable the immediate and unhindered delivery of humanitarian assistance, and stressing that the arbitrary denial of humanitarian access, depriving civilians of objects and assistance indispensable to their survival, including wilfully impeding relief supplies, such as food aid and lifesaving medical supplies, may constitute a war crime,

Recalling also the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

Recalling further that deliberate attacks on civilians and civilian objects, such as schools and educational facilities, as well as medical facilities and personnel, may amount to war crimes,

Deeply concerned that attacks upon medical and health personnel, their means of transport and equipment, and hospitals and other medical facilities result in long-lasting consequences, including the loss of life and human suffering, weaken the ability of health systems to deliver essential life-saving services and lead to setbacks for health development,

Expressing its deepest concern about the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic,

Deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Acknowledging the ongoing efforts by human rights defenders active in the Syrian Arab Republic to document violations and abuses of international human rights law and violations of international humanitarian law, despite grave risks,

1. *Calls upon* all Member States, especially members of the International Syria Support Group, to create conditions that foster continued negotiations for a political solution to the Syrian conflict, under the auspices of the United Nations Office at Geneva, by working to strengthen the nationwide ceasefire, to enable full, immediate and safe humanitarian access, and to lead to the release of detainees, as only a durable political solution to the conflict can bring an end to the systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law;

2. *Welcomes* the work of the Independent International Commission of Inquiry on the Syrian Arab Republic, established by the Human Rights Council in its resolution S-17/1 of 23 August 2011, to investigate all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances and to support efforts to ensure that perpetrators of abuses and violations, including those who may be responsible for crimes against humanity, are held accountable, and notes the importance of the work of the Commission of Inquiry and the information it has collected in support of future accountability efforts, in particular the information on those who have allegedly violated international law;

3. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

4. *Strongly condemns* the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, in particular Hizbullah, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

5. *Also strongly condemns* the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Da'esh), Al-Nusrah Front and other terrorist organizations designated by the Security Council, and their continued gross, systematic and widespread abuses of international human rights law and violations of international humanitarian law, reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Da'esh), cannot and should not be associated with any religion, nationality or civilization, and stresses the importance of the full implementation of Security Council resolution 2170 (2014) of 15 August 2014;

6. *Condemns in the strongest terms* the gross and systematic abuse of women's and children's rights by the so-called Islamic State in Iraq and the Levant (Da'esh), in particular the enslavement and sexual abuse and exploitation of women and girls, enforced disappearances and the forced recruitment and abduction of children;

7. *Condemns* all violations and abuses of international human rights law and all violations of international humanitarian law committed by all parties to the conflict, including against women and children and persons with disabilities;

8. *Urges* all parties to the conflict, particularly the Syrian authorities and their allies, not to commit indiscriminate attacks against the civilian population and civilian facilities, including against medical facilities, personnel and transport, schools and humanitarian workers, and also urges all parties to the conflict to comply with their

obligations under international humanitarian law and to respect international human rights law;

9. *Strongly condemns* all attacks on medical and health personnel, their means of transport and equipment, as well as hospitals and other medical facilities, and deplores the long-term consequences of such attacks for the population and health-care systems of the Syrian Arab Republic;

10. *Also strongly condemns* the attacks against hospitals and civilian objects, such as schools, as reported by the Commission of Inquiry,[1] and urges the Syrian authorities to refrain from actions that impede children's access to education, which is of vital importance for their protection and development;

11. *Expresses its profound concern* at the findings of the Commission of Inquiry in its report on Aleppo, Error! Bookmark not defined. including those suggesting that the offensive against eastern Aleppo in the second half of 2016 involved serious violations and abuses of international human rights law and violations of international humanitarian law by all parties to the conflict, which, according to the Commission, in many cases amounted to war crimes, in particular by the Syrian authorities and their allies, including the Urum al-Kubra attack;

12. *Urges* all parties to the conflict to heed the recommendations made by the Commission of Inquiry in its report, including the need to comply with their respective obligations under international human rights and international humanitarian law, including refraining from disproportionate and indiscriminate attacks;

13. *Strongly condemns* the widespread practice of enforced disappearance, arbitrary detention and the use of sexual violence, torture and ill-treatment, especially in detention facilities run by the Syrian authorities, including those acts referenced in the reports of the Commission of Inquiry, and those depicted in the evidence presented by "Caesar" in January 2014, and notes that such acts may constitute violations and abuses of international human rights law or violations of international humanitarian law;

14. *Also strongly condemns* the reported killing of detainees in Syrian Military Intelligence facilities, in particular in the Mezzeh airport detention facility, and Military Security Branches 215, 227, 235, 248 and 291, as well as the reported killing of detainees at military hospitals, including Tishreen and Harasta, and expresses deep concern at reports that the regime used a crematorium to conceal a mass killing of prisoners at the Saydnaya penitentiary complex;

15. *Calls upon* the Syrian authorities and all other parties to the conflict to ensure the effective implementation of Security Council resolutions 2139 (2014) of 22 February 2014 and 2254 (2015), and, in particular, to end the arbitrary detention and torture of civilians in the Syrian Arab Republic, notably in prisons and detention facilities, as well as kidnappings, abductions and forced disappearances, as demanded by the Council in its resolution 2139 (2014);

16. *Condemns* the denial of medical services in all prisons and detention facilities;

17. *Recognizes* the permanent damage that torture and ill-treatment, including sexual abuse and violence, causes to its victims and their families;

[1] See A/HRC/34/64 and A/HRC/34/CRP.3.

18. *Calls for* the appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees, and for the Syrian authorities to publish a list of all detention facilities;

19. *Calls upon* all parties to the conflict to cease the mistreatment and torture of detainees and to allow access to medical services for all detainees;

20. *Demands* the immediate release of all persons arbitrarily detained, including women, children, human rights defenders, humanitarian aid providers, medical personnel and journalists;

21. *Recalls* the decision of the Security Council that the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to other States or non-State actors,[2] and, in keeping with the decision of the Council, expresses its strong conviction that those individuals responsible for the use of chemical weapons in the Syrian Arab Republic should be held accountable;

22. *Expresses grave concern* at the use of sarin in Khan Shaykhun on 4 April 2017, resulting in approximately 100 fatalities, and the use of sulphur mustard in Umm Hawsh on 16 September 2016, as concluded by the Organisation for the Prohibition of Chemical Weapons, and looks forward to the results of the investigations into these incidents by the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism;

23. *Recalls with grave concern* the report of the Commission of Inquiry on 6 September 2017 identifying the Syrian air force as responsible for the sarin gas attack on Khan Shaykhun on 4 April 2017;[3]

24. *Expresses grave concern* at the reports of the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons of July 2016, March 2017 and July 2017, according to which the Technical Secretariat was not able to verify that the Syrian declaration regarding its chemical weapons programme was accurate and complete, and calls upon the Syrian Arab Republic to cooperate fully with the Organisation to further clarify remaining gaps, inconsistencies and discrepancies in its declaration;

25. *Recalls* the reports of the Joint Investigative Mechanism of 24 August and 21 October 2016,[4] and expresses grave concern at its findings that the Syrian armed forces were responsible for the use of chemical weapons (chlorine) in three attacks in the Syrian Arab Republic — in Tallmannis in 2014 and in Qaminas and Sarmin in 2015 — and that the so-called Islamic State in Iraq and the Levant (Da'esh) was responsible for one sulphur mustard attack in the Syrian Arab Republic, in Marea in 2015;

26. *Condemns in the strongest possible terms* the use of chemical weapons in the Syrian Arab Republic, as reported by the Joint Investigative Mechanism, which violates the Chemical Weapons Convention, Security Council resolution 2118 (2013), and the decisions of the Executive Council of the Organisation, including decision EC-M-33/DEC.1, as well as the use of chemical weapons in contravention of well-established international standards and norms against such use, and expresses its strong conviction that those individuals responsible for the use of chemical weapons must be held accountable;

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[2] See Security Council resolution 2235 (2015).

[3] See A/HRC/36/55.

[4] See S/2016/738/Rev.1 and S/2016/888.

27. *Demands* that all parties identified in the reports of the Joint Investigative Mechanism as having been involved in the use of toxic chemicals as weapons desist immediately from any further use;

28. *Strongly condemns* the use of starvation of civilians as a method of combat, and all besiegement directed against civilian populations;

29. *Condemns* the reported forced displacement of populations in the Syrian Arab Republic and its alarming impact on the demography of the country, and calls upon all parties concerned to cease immediately all activities that cause these actions, including any activities that may amount to war crimes and crimes against humanity;

30. *Also condemns* the Syrian authorities' indiscriminate use of heavy weapons and aerial bombardments, including cluster munitions, incendiary weapons, ballistic missiles and barrel bombs, and calls for an immediate end to all attacks against medical facilities and personnel, and civilians and civilian infrastructure, including civilian transportation and educational facilities;

31. *Stresses* the need to promote accountability for those responsible for the unlawful killings of civilians, and also stresses the importance of holding to account those responsible for all violations of international humanitarian law and all violations and abuses of international human rights law;

32. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation, including the indiscriminate use of car and suicide bombs, snipers and hostage-taking;

33. *Demands* that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities;

34. *Strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, in particular the destruction of the cultural heritage in Palmyra and Aleppo and the organized looting and trafficking of Syrian cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015;

35. *Affirms* that attacks intentionally directed against historic monuments may amount to war crimes, and underlines the need to bring the perpetrators of such crimes to justice;

36. *Calls upon* the international community to support the leadership and full and meaningful participation of women in all efforts, including decision-making, with the aim of finding a political solution to the conflict in the Syrian Arab Republic, as envisaged by the Security Council in its resolutions 1325 (2000) of 31 October 2000, 2122 (2013) of 18 October 2013, 2254 (2015), 2268 (2016), 2332 (2016) of 21 December 2016 and 2336 (2016), and welcomes the participation of the Women's Advisory Board and civil society in the United Nations-led talks in order to ensure that all resulting peacebuilding efforts are gender-responsive and consider the differential impact of conflict on women and girls, and their specific needs and interests;

37. *Recalls* that the International Criminal Court was established to help to end impunity for applicable crimes in which the State is unwilling or unable to genuinely carry out investigations or prosecutions;

38. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of international human rights law are held to account through appropriate, fair and independent national, regional or international criminal justice mechanisms, and stresses the need to pursue practical steps

towards this goal, noting the important role that the International Criminal Court can play in this regard,

39. *Welcomes* the establishment of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 by the General Assembly in its resolution 71/248 of 21 December 2016, and the recent appointment of the Head of the Mechanism, and stresses its mandate to cooperate closely with the Commission of Inquiry in all aspects of its work;

40. *Invites* Member States to support actively the International, Impartial and Independent Mechanism, including by considering the provision of information and data on the most serious crimes under international law committed in the Syrian Arab Republic, and to provide adequate financial means for its functioning;

41. *Reaffirms* that, in the context of an inclusive and credible dialogue, the Syrian people should determine the appropriate process and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, and reparations and effective remedies for victims;

42. *Emphasizes* that all efforts to bring a peaceful conclusion to the ongoing conflict in the Syrian Arab Republic must fully reflect the importance of ensuring accountability for the crimes committed in the country as a prerequisite to bringing about reconciliation and sustainable peace;

43. *Expresses deep concern* for the more than 6 million internally displaced persons and 5.1 million refugees in the region fleeing the violence in the Syrian Arab Republic, welcomes the efforts of neighbouring countries to host Syrian refugees, and acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries;

44. *Deplores* the deteriorating humanitarian situation in the Syrian Arab Republic, and *urges* the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

45. *Expresses deep concern* at the plight of the approximately 4.5 million Syrians living in besieged and hard-to-reach areas in the Syrian Arab Republic, whose needs are particularly acute and who require full, immediate and safe humanitarian access;

46. *Demands* that the Syrian authorities facilitate, and all other parties to the conflict do not hinder, the full, immediate and safe access of the United Nations and humanitarian actors, and that they ensure that the delivery of humanitarian aid reaches all those in need, including in hard-to-reach and besieged areas, in accordance with Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014) of 17 December 2014, 2254 (2015), 2258 (2015) of 22 December 2015 and 2268 (2016), and calls upon Member States to fully fund the United Nations appeals;

47. *Strongly condemns* the Syrian authorities' removal of humanitarian aid from United Nations approved convoys, including medical aid and supplies intended to reach desperate populations deprived of food, medical aid and vital necessities;

48. *Welcomes* the progress made since 2013 by the international conferences on supporting the Syrian Arab Republic and the region in Kuwait City and London, and the follow-up conference in Brussels on 5 April 2017 hosted by the European Union, the United Kingdom of Great Britain and Northern Ireland, Kuwait, Qatar, Germany, Norway and the United Nations, which reaffirmed international support for the United Nations-led intra-Syrian talks in Geneva, secured pledges totalling 6 billion United States dollars for

2017 and 3.7 billion dollars for 2018-2020 for humanitarian needs in the Syrian Arab Republic and the region, renewed commitment to supporting the resilience of host communities and refugees in Jordan, Lebanon, Turkey, Egypt and Iraq, and underlined the need to protect civilians and respect international human rights law and international humanitarian law;

49. *Renews its call upon* all members of the international community to respond expeditiously to the Syrian 2017 humanitarian appeals and to deliver in full all pledges, including multi-year pledges, made at the Brussels conference;

50. *Notes* those countries outside the region that have put in place measures and policies to assist and to host Syrian refugees, and encourages them to do more, and also encourages other States outside the region to consider implementing similar measures and policies, also with a view to providing Syrian refugees with protection and humanitarian assistance;

51. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, and urges the parties to the conflict to abstain from actions that may contribute to the continuing deterioration of the human rights, security and humanitarian situation in order to reach a genuine political transition, based on the Geneva communiqué, consistent with Security Council resolutions 2254 (2015) and 2268 (2016), that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, in which all citizens receive equal protection regardless of gender, religion or ethnicity;

52. *Demands* that all parties work urgently towards the comprehensive implementation of the Geneva communiqué, including through the establishment of an inclusive transitional governing body with full executive powers, which shall be formed on the basis of mutual consent while ensuring the continuity of governmental institutions;

53. *Expresses* deep concern at the Commission of Inquiry's conclusion that children throughout the Syrian Arab Republic remain disproportionately vulnerable to violence and abuse, and that children suffer as a consequence of attacks against civilians, lack of access to education and their recruitment for use as child soldiers;

54. *Decides* to convene a high-level panel discussion on violations of the human rights of children in the Syrian Arab Republic at the thirty-seventh session of the Human Rights Council, in consultation with the Commission of Inquiry, with a specific focus on attacks against children, including attacks on schools and hospitals and denial of humanitarian access, featuring witness testimony and Syrian voices, including children's views through appropriate and safe means, and requests the Office of the United Nations High Commissioner for Human Rights to liaise with States and all stakeholders, including relevant United Nations agencies, funds and programmes, special procedures of the Council, national human rights institutions and civil society, with a view to ensuring their participation in the panel discussion;

55. *Requests* the Office of the High Commissioner to prepare a summary report on the high-level panel discussion, to be presented to the Human Rights Council at its thirty-eighth session;

56. *Decides* to remain seized of the matter.